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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,848	04/16/2004	Kenneth J. Onion	KSW 329	8187

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/825,848	Applicant(s) ONION, KENNETH J.	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-26 is/are allowed.
- 6) ☒ Claim(s) 1,3-12,27-30,35,45 and 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Onion (U.S Patent No. 6,378,214).

Onion teaches (see Figures 3, 10, and 11) a folding knife comprising: a handle (16) having an end face (16b) with a notched corner in the end face of the handle forming a first locking element (16d); a blade (12) pivotally mounted to the handle with a slot (60) having a first portion (closest to the tip of the blade) and a second portion (farthest from the tip of the blade); a second locking element located in the slot (60) that includes a cylindrical neck (30) and two equal diameter coaxially mounted collars (130) designed to retain the neck (30) in the slot (60) and to prevent scratching or wearing of the edge surface of the handle (16b) as well as improve the smoothness of the locking mechanism. Figure 3 shows the second locking element (30, 130) being faced from the end face (16b) of the handle (16) for a substantial portion of the movement of the blade from the closed to the open position. A spring (62) is attached to a retaining element (64) that is provided in first portion of the slot (60) to hold the spring (62) in place and allow the spring to bias the second locking element (30, 130) to a first position. By holding the spring (62) the retaining element (64) prevents the movement of the neck

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(30) from the second portion of the slot to the first portion. Onion further teaches (Col. 3, lines 54 and 55) that it is known to integrally form the collars (130) with the neck (30). It is inherently understood in a design where the collars (130) are integrally formed with the neck (30) that at least a portion of the slot would have to be larger than the size of the collars to fit the second locking element in the blade. The entire slot could not be larger in diameter than the collars as the collars then would serve no purpose.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-12, 27-30, 35, 45, and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onion in view of Polevoy et al (U.S Patent No. 6,685,379), hereinafter Polevoy.

Onion teaches all of the elements of the current invention as stated above except the slot having two widths, a first portion of the slot having the first width and the first width being larger than the width of the collars, a second portion of the slot having the second width and the second width being smaller than the width of the collars but larger than the neck of the second locking element.

Polevoy teaches (see Figure 1) it is old and well known to provide a slot with an enlarged first portion (18) and a narrow second portion (16) to aid in slidably retaining a

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locking element having two integrally mounted collars mounted to a neck portion located between the two collars.

It would have been obvious to have modified Onion to incorporate the teachings of Polevoy to provide a slot having a first portion having a first width that was larger than the collars to allow a collar to pass through, and a second portion with a second width narrow than the collars to prevent the second locking element from falling out of the slot. Doing so would provide an easy and effective means for installing the second locking element onto the blade, and allow the second locking element to be manufactured separately from the knife thereby eliminating the time consuming and costly manufacturing step of building the second locking element while attached to the knife blade.

Allowable Subject Matter

5. Claims 17-26 are allowed.
6. Claims 2, 13-16, 31-34, 46, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 is considered allowable because there is no teaching to modify Onion to make it so the blade travels at least 75% of the total travel from the closed position to the open position before contacting the end face of the handle.

Claim 13 is allowable for stating the retaining element extends into the second portion of the slot. As the retaining element of Onion is not removable, and there is no teaching to make it so, the retaining element could not be made to extend into the

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second portion of the slot as then the second locking element would not be able to fit in the slot.

Claim 14 is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot.

There is no motivation to provide a retaining element for the retaining element of Onion.

Claims 15 and 16 are dependent on claim 14.

Claim 31 is allowable for stating the retaining element extends into the narrow portion of the slot. As the retaining element of Onion is not removable, and there is no teaching to make it so, the retaining element could not be made to extend into the narrow portion of the slot as then the second locking element would not be able to fit in the slot.

Claim 32 is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot.

There is no motivation to provide a retaining element for the retaining element of Onion.

Claims 33 and 34 are dependent on claim 32.

Claim 46 is allowable for stating that the retaining element comprises an aperture and an expander is positioned within the aperture. There is no motivation to provide a retaining element for the retaining element of Onion as the retaining element of Onion is not removable.

Claim 47 is allowable for stating the retaining element extends into a portion of the slot that is narrower than the second portion of the slot. As the retaining element of Onion is not removable, and there is no teaching to make it so, the retaining element

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could not be made to extend into a portion of the slot that is narrower than the second portion as then the second locking element would not be able to fit in the slot.

Response to Arguments

7. Applicant's arguments with respect to claims 1-35, and 45-52 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's remarks that Onion does not teach the second locking element being spaced away from the handle for a substantial portion of movement of the blade from the closed position to the open position, substantial is an indefinite term and Figure 3 clearly shows that for a portion of movement the locking element does not touch the end face of the handle. As the blade does not even travel a full 180 degrees, the length of travel from the closed position until the locking element touches the end face (16b) appears to be a substantial portion of the total travel.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onion '431 (U.S Patent No. 6,338,431), Sakai (U.S Patent No. 6,154,965), Poehlmann (U.S Patent No. 4,893,409), Eikhorn (U.S Patent No. 6,523,265), Lake et al (U.S Patent No. 6,490,797), Moser (U.S Patent No. 6,308,420), Walker (U.S Patent No. 4,979,301), and Neely (U.S Patent No. 5,060,379) teach foldable knives with first and second locking elements.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

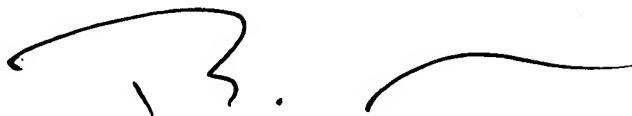
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL

1/8/2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER